

WILLARD W. ALT.

JANUARY 26, 1910.—Committed to the Committee of the Whole House and ordered to be printed.

MR. GOLDSFOGLE, from the Committee on Claims, submitted the following

REPORT.

[To accompany H. R. 17007.]

The Committee on Claims, to whom was referred the bill (H. R. 17007) for the relief of Willard W. Alt, of Hyannis, Nebr., having considered the same, report thereon with a recommendation that it do pass as to the first item of \$125, but with an amendment as to the second item of \$490, reducing the amount to be appropriated for this item to \$365, and as so amended favorably recommends said bill and its passage.

As to the first item of \$125, a bill (H. R. 18161) was introduced in the Sixtieth Congress for an appropriation to satisfy this identical claim, and a favorable report was made thereon by the Committee on Claims, as evidenced by a copy of its report attached hereto, marked "Exhibit A."

As to the second item of \$490, reduced by amendment to \$365, a bill (H. R. 11039) was introduced in the Sixtieth Congress asking for an appropriation to satisfy this identical claim, and the Committee on Claims reported favorably thereon, as evidenced by a copy of its report attached hereto, marked "Exhibit B."

Your committee therefore recommends the passage of the bill (H. R. 17007) with the following amendments:

Line 11, strike out the word "four" and insert in place thereof the word "three."

Line 12, strike out the word "ninety," and insert in place thereof the word "sixty-five."

In line 15, strike out the words "and May ninth, nineteen hundred and one."

Line 1, page 2, strike out the word "acts" and insert in place thereof the word "act."

Line 2, page 2, strike out the words "and January fourteenth, nineteen."

In line 3, page 2, strike out the words "hundred and one."

EXHIBIT A.

[House Report No. 2057, Sixtieth Congress, second session.]

The Committee on Claims, to whom was referred House bill 18161, having had the same under consideration, report said bill favorably, with recommendation that the bill do pass.

This is a claim for \$125 due to Willard W. Alt, of Hyannis, Nebr., as compensation for extra labor involved in the preliminary work done by him as a result of the changing by the General Land Office of instructions to him while in the field.

The Department of the Interior states that Mr. Alt is entitled to this additional compensation, and that the amount is a reasonable one.

Appended hereto is an original letter, dated April 25, 1908, from the Department of the Interior, upon which your committee bases its favorable report.

DEPARTMENT OF THE INTERIOR,
Washington, April 25, 1908.

SIR: I am in receipt, by your reference for information and opinion touching its merits, of H. R. 18161, for the relief of Willard W. Alt, of Hyannis, Nebr.

In reply I have the honor to state that by the terms of the bill Mr. Alt, who had a contract for the resurvey of public lands in Nebraska, dated May 9, 1901, is to be paid, in addition to the money received by him at the completion of his said contract, the sum of \$125 as compensation for the extra labor involved in the preliminary work done by him as a result of the changing by the General Land Office of instructions to him while in the field.

The records of the General Land Office show that on August 16, 1902, while the surveyor was engaged in his field work, in answer to a request for detailed instructions in regard to the surveying out of claims, additional instructions were sent to him, and on March 28, 1903, supplemental special instructions were sent him, a paragraph from which is as follows:

"The instructions contained in the letter first mentioned above for survey of claims and the diagram therewith, showing their boundaries and arrangement, having been prepared under a misapprehension as to existing conditions, are hereby abrogated, except the part from line 7 near end of page 8 to end of letter, which will remain in force, and the few corners which you have set in accordance with the requirements of said instructions will be obliterated. The numbering of sections will be determined and made as suggested."

As a portion of the surveying originally authorized by this contract was undoubtedly rendered useless by the later instructions, the deputy is, in my opinion, entitled to additional compensation, and the sum named in the bill appears to be reasonable. I see no objection to the proposed payment. H. R. 18161 is returned herewith.

Very respectfully,

FRANK PIERCE, *Acting Secretary.*

HON. J. M. MILLER,

Chairman Committee on Claims, House of Representatives.

EXHIBIT B.

[House Report No. 1440, Sixtieth Congress, first session.]

The Committee on Claims, to whom was referred the bill (H. R. 11039) for the relief of Willard W. Alt, of Hyannis, Nebr., respectfully reports said bill with an amendment reducing the amount appropriated to \$365, and as so amended favorably recommends said bill and its passage.

It appears from the report of the Department of the Interior that Deputy Surveyor Willard W. Alt entered into a contract with the Commissioners of the General Office for resurveys in Nebraska authorized by act of Congress, approved March 1, 1899, at mileage rates. In the course of the preliminary work necessary to retrace original lines, he was in frequent correspondence with the office asking for instruction in the manner of procedure, and after reporting conditions on the ground, new instructions were sent him which changed the methods of making the resurvey. In the meantime it appears that considerable field work on random lines

was performed by the deputy which was found to be useless. In rendering his account for this resurvey he inserted an item of \$365 for preliminary work on random lines. No compensation is allowed for random line work by an express provision in every contract for the United States; the General Land Office declined to recommend the amount for payment.

It would appear, however, that in this case Deputy Surveyor Alt was entitled to compensation, owing to conditions found on the ground unforeseen by the General Land Office when formulating his first instructions, which necessitated a change in those instructions and caused work to be performed by him which could not be utilized. The department thinks that the amount claimed by Deputy Surveyor Alt for this extra service (\$365) to be fair compensation and recommends its allowance by Congress.

Mr. Alt has two other bills now before Congress (H. R. 18161 and H. R. 18162) for compensation claimed under contract of May 9, 1901. The department states, however, that the work under this contract is uncompleted and that the claim is premature.

Your committee therefore takes no action on these two bills, but recommends the passage of H. R. 11039 with the following amendments:

Line 5, strike out the word "four" and insert in place thereof the word "three."

Line 6, strike out the word "ninety" and insert in place thereof the word "sixty-five."

Lines 9 and 10, strike out the words "and May ninth, nineteen hundred and one."

Line 10, strike out the word "acts" and insert in place thereof the word "act."

Lines 12 and 13, strike out the words "and January fourteenth, nineteen hundred and one, respectively."

Attached hereto is a communication from Hon. James R. Garfield, Secretary of the Interior, dated January 28, 1908.

DEPARTMENT OF THE INTERIOR,
Washington, January 28, 1908.

SIR: I have by your reference of the 16th instant for information and opinion as to its merits a bill for the relief of Willard W. Alt, of Hyannis, Nebr. The text of the bill is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the Treasury be, and they are hereby, authorized to pay, out of any money not otherwise appropriated, to Willard W. Alt the sum of four hundred and ninety dollars for surveys made of public lands in the State of Nebraska, in accordance with specific instructions of the Government under his contract with the Government therefor, dated May twenty-sixth, nineteen hundred, and May ninth, nineteen hundred and one, authorized by acts of Congress approved March first, eighteen hundred and ninety-nine, and January fourteenth, nineteen hundred and one, respectively."

In reply I have to state that Deputy Surveyor Willard W. Alt entered into contract with the Commissioner of the General Land Office on May 26, 1900, for resurveys in Nebraska authorized by act of Congress approved March 1, 1899, at mileage rates with an estimated liability of \$3,038. In the course of the preliminary work necessary to retrace original lines he was in frequent correspondence with said office asking for instructions in the manner of procedure, and after reporting conditions on the ground new instructions were sent him which changed the methods of making the resurvey. In the meantime it appears that considerable field work on random lines was performed by the deputy which was found to be useless. In rendering his account for this resurvey he inserted an item of \$365 for preliminary work on "random lines," and as no compensation is allowed for random work by express provision in every contract for United States public land surveys, the General Land Office declined to recommend the amount for payment.

It would appear that in this case the deputy is entitled to compensation, owing to conditions found on the ground unforeseen by the General Land Office when formulating his first instructions, which necessitated a change in those instructions and caused work to be performed by him which could not be utilized.

The amount submitted by him, \$365, for this extra service seems to be a fair compensation, and in my opinion should be allowed.

On May 9, 1901, a similar contract was entered into with Mr. Alt for resurveys in Nebraska, the estimated liability of which, \$1,000, and the total amount of his submitted account under this second contract, is \$1,432.16.

The resurveys under this later contract, however, have not been accepted, nor has the account been adjusted by the General Land Office, so that the amount actually due him under the second contract can not be arrived at. The presentation of a claim for relief, therefore, under the second contract is deemed premature, and I can give no opinion at this time as to its merits.

I return herewith the bill.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. J. M. MILLER,

Chairman Committee on Claims, House of Representatives.

